

HAROLD H. DAVIS, JR. (SBN 235552)
harold.davis@klgates.com

K&L GATES LLP

Four Embarcadero Center, Suite 1200

San Francisco, California 94111

Tel: (415)882-8200

Fax: (415)882-8220

Attorneys for Defendants CYBERLINK CORP.,
PERFECT CORP. (CALIFORNIA), PERFECT
CORP. (CAYMAN ISLANDS)

Otto O. Lee, CA Bar No. 173987

olee@iplg.com

Kevin Viau, CA Bar No. 275556

kviau@iplg.com

Bonnie J. Wolf, CA Bar No. 284872

bonniewolf@iplg.com

INTELLECTUAL PROPERTY LAW GROUP LLP

12 South First Street, 12th Floor

San Jose, California 95113

Tel: (408) 286-8933

Fax: (408) 286-8932

Attorneys for Plaintiff ARCSOFT INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ARCSOFT INC.,

Plaintiff,

v.

CYBERLINK CORP., a Taiwan, R.O.C.
corporation, PERFECT CORP., a California
corporation, and PERFECT CORP., a Cayman
Islands corporation,

Defendants.

WHO
Case No. 5:15-cv-03707-~~PSG~~

**STIPULATION TO CHANGE TIME OF
BRIEFING SCHEDULE, HEARING ON
ARCSOFT'S PRELIMINARY
INJUNCTION MOTION, AND DATE FOR
DEFENDANTS' RESPONSE TO
COMPLAINT, AND RE: DEFENDANTS'
ACCEPTANCE OF SERVICE OF
PROCESS; ~~PROPOSED~~ ORDER**

STIPULATION

Per L. R. 6-2 and 7-12, Plaintiff Arcsoft Inc. (“Arcsoft”) and defendants Cyberlink Corp., Perfect Corp. (California), and Perfect Corp. (Cayman Islands) (collectively “Defendants” and, together with Arcsoft, the “Parties”) hereby stipulate and agree, subject to the approval of the Court, and jointly submit this Stipulation as follows:

1. Arcsoft filed its Complaint against Defendants on August 13, 2015.
2. Arcsoft filed a Motion for Preliminary Injunction [Dkt. # 10-16] and supporting materials on September 1, 2015.
3. Arcsoft served the Summons, Complaint and the moving papers filed in support of Arcsoft’s Motion for Preliminary Injunction (collectively, “Plaintiff’s Pleadings”) on Defendant Perfect Corp. (California) on September 2, 2015. Arcsoft has not yet served the foreign based defendants, Cyberlink Corp. or Perfect Corp. (Cayman Islands) (collectively, the “Foreign Defendants”).
4. Acting by and through their authorized counsel-of-record herein as captioned above, Defendants have agreed to accept service of Plaintiff’s Pleadings in exchange for moving certain deadlines.
5. In exchange for Defendants accepting service as stated above, the Parties have mutually agreed that (a) the deadline for Defendants to answer, move, or otherwise respond to the Complaint under the Federal Rules of Civil Procedure would be November 10, 2015, and (b) the deadline for Defendants to file their opposition to Arcsoft’s Motion for Preliminary Injunction shall be moved from September 15, 2015 to November 10, 2015.
6. In the interest of judicial economy, Defendants also stipulate not to file any motion to dismiss the Complaint before November 10, 2015 nor one with a hearing before December 8, 2015 or

1 any later hearing on Arcsoft's Motion for Preliminary Injunction. Defendants further stipulate and
2 agree that they shall be subject to personal jurisdiction in this Court in this action.

3 7. The Parties further stipulate that the deadline for Arcsoft to file its reply brief in
4 support of its motion for Preliminary Injunction shall be moved from September 22, 2015 to
5 November 24, 2015.
6

7 8. The Parties also agree and request of the Court that, in light of the above-stipulated
8 extensions on the briefing schedule, the hearing on Arcsoft's motion for preliminary injunction be
9 rescheduled from October 6, 2015 to December 8, 2015 or thereafter as appropriate with the Court's
10 calendar.
11

12 9. The Parties submit that the above-referenced extensions will allow sufficient time for
13 the Defendants to adequately respond to the Complaint and the Motion for Preliminary Injunction, in
14 light of the foreign residence of two defendants, the fact that Defendants' counsel will be out of the
15 country during the currently scheduled hearing date on the motion for preliminary injunction, and due
16 to the allegations and issues presented by Arcsoft's filings.

17 10. None of the Parties have previously requested any change to any deadline in this case.

18 11. This request affects only the hearing date for the preliminary injunction and the
19 briefing schedule on that motion. It does not affect any other dates currently scheduled by the Court.
20

21 Now, therefore, IT IS HEREBY STIPULATED AND AGREED, subject to the approval of the
22 Court, that:

23 a. Defendants have agreed to accept service of Plaintiff's Pleadings through their
24 authorized counsel-of-record as listed above.

25 b. Defendants have agreed not to file any motion to dismiss the Complaint before
26 November 10, 2015 nor one with a hearing before December 8, 2015 or any later
27
28

1 hearing on Arcsoft's Motion for Preliminary Injunction. Defendants have agreed that
2 they shall be subject to personal jurisdiction in this Court in this action.

3 c. Defendants' time to answer, move, or otherwise respond to Arcsoft's Complaint and
4 Motion for a Preliminary Injunction is moved to on or before November 10, 2015.

5 d. Arcsoft's time to file a reply brief in support of its Motion for a Preliminary Injunction
6 is moved to on or before November 24, 2015.

7
8 e. The hearing on Arcsoft's Motion for a Preliminary Injunction, if any, will occur on or
9 after December 8, 2015.

10 ///

IT IS SO STIPULATED AND AGREED.

Dated: September 11, 2015

Respectfully submitted,

/s/ Otto O. Lee

Otto O. Lee

olee@iplg.com

Kevin Viau

kviau@iplg.com

Bonnie J. Wolf

bonniewolf@iplg.com

INTELLECTUAL PROPERTY LAW GROUP LLP

12 South First Street, 12th Floor

San Jose, California 95113

Tel: (408) 286-8933

Fax: (408) 286-8932

Attorneys for Arcsoft Inc.

/s/ Harold H. Davis

Harold H. Davis

harold.davis@klgates.com

K&L GATES LLP

4 Embarcadero Center, Suite 1200

San Francisco, CA 94111

Tel: (415) 882-8200

Fax: (415) 882-8220

*Attorneys for Defendants Cyberlink Corp.,
Perfect Corp. (California), Perfect Corp.
(Cayman Islands)*

SIGNATURE ATTESTATION

I hereby attest pursuant to Civil Local Rule 5.1 that concurrence in the electronic filing of this document has been obtained from the other signatory.

Dated: September 11, 2015

/s/ Otto O. Lee

Otto O. Lee

~~PROPOSED~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Hearing on Motion to Dismiss is set for December 9, 2015 at 2:00 p.m.

DATED: September 15, 2015



The Honorable William H. Orrick
Judge of the U.S. District Court